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Attorney's Docket No. WWELL78.005C1

### DECLARATION AND POWER OF ATTORNEY - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD FOR DETERMINING ANALYTE MOLECULES IN A SAMPLE** the specification of which was filed on **October 7, 2003** as Application No. **10/680,371**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) listed below and have also identified below any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed for the same subject matter having a filing date before that of the application(s) of which priority is claimed:

#### PRIOR FOREIGN APPLICATION(S)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119	
Europe	01 108 907.5	10/04/01	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

#### Prior U.S.A. Application(s)

Application No.: PCT/EP02/03730

Filing Date: April 4, 2002

Status: Abandoned

**POWER OF ATTORNEY:** I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inventor: Markus Templin

Inventor's signature Markus Templin Day 3 Month March Year 2004

Residence: Eduard-Haber-Str. 2, 72074 Tuebingen, Germany

Citizenship: German

Post Office Address: Same as above

Full name of second inventor: Thomas Joos

Inventor's signature Thomas Joos Day 3 Month March Year 2004

Residence: Eichhaldenstrasse 18, 72074 Tuebingen, Germany

Citizenship: German

Post Office Address: Same as above

Full name of third inventor: Stefan Lampel

Inventor's signature Stefan Lampel Day 3 Month March Year 2004

Residence: Walter-Kolbenhoff-Str. 32, 82110 Germerring, Germany

Citizenship: German

Post Office Address: Same as above

Full name of fourth inventor: Volker Schlueter

Inventor's signature V. Schlueter Day 3 Month March Year 2004

Residence: Gilastr. 64, 81377 Muenchen, Germany

Citizenship: German

Post Office Address: Same as above

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Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

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PATENT

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

To the Commissioner of Patents and Trademarks:

The undersigned is empowered to act on behalf of the assignee indicated below (the "Assignee"). The original assignment of the U.S. Application No. 10/680,371, filed October 7, 2003, for Letters Patent for the invention in METHOD FOR DETERMINING ANALYTE MOLECULES IN A SAMPLE from the inventors to the Assignee is being submitted herewith for recordation by the Assignment Branch. A true copy of this Assignment is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee. I have reviewed this Assignment, and to the best of the Assignee's knowledge and belief, the Assignee is the owner of the entire right, title, and interest in the above-referenced application.

I declare that all statements made herein of my own knowledge are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

Assignee: NMI Naturwissenschaftliches und  
Medizinisches Institut an der Universität Tuebingen

By: E. Müller

Printed Name: Dr. Enzio Müller

Title: Managing Director

Address: Markwiesenstrasse 55  
72074 Tuebingen, Germany

Dated: March 3, 2004

# COPY

WWELL78.005C1

PATENT

## ASSIGNMENT

WHEREAS, I, (1) Markus Templin, a citizen of Germany, residing at Eduard-Haber-Str. 2, 72074 Tuebingen, Germany; (2) Thomas Joos, a citizen of Germany, residing at Eichhaldenstrasse 18, 72074 Tuebingen, Germany; (3) Stefan Lampel, a citizen of Germany, residing at Walter-Kolbenhoff-Str. 32, 82110 Germerring, Germany; and (4) Volker Schlueter, a citizen of Germany, residing at Gilastr. 64, 81377 Muenchen, Germany; hereinafter referred to as Assignor (collectively if more than one inventor is listed above), have invented certain new and useful improvements in METHOD FOR DETERMINING ANALYTE MOLECULES IN A SAMPLE, the specification of which was filed on October 7, 2003 as Application No. 10/680,371.

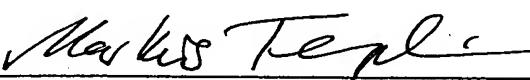
AND WHEREAS, NMI Naturwissenschaftliches und Medizinisches Institut an der Universität Tuebingen, with its principal place of business at Markwiesenstrasse 55, 72770 Reutlingen, Germany (hereinafter referred to as Assignee) desires to acquire the entire right, title, and interest in and to the said improvements with respect to the United States of America, its territories and possessions.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in the United States of America, and its territories and possessions in, to and under said improvements, and any Patent Applications in the United States of America and all divisions, renewals and continuations thereof, and all Patents of the United States of America which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions; and Assignor hereby authorizes and requests the Commissioner of Patents of the United States of America to issue all Patents for said improvements to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

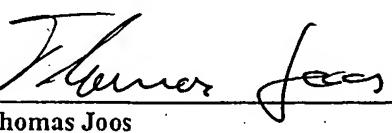
IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

This 3 day of March, 2004

  
\_\_\_\_\_  
Signature of Markus Templin

Witness: Jra. Digel  
JRA DIGEL

This 3 day of March, 2004

  
\_\_\_\_\_  
Signature of Thomas Joos

Witness:

  
\_\_\_\_\_  
JRA DIGEL

This 3 day of March, 2004

Stefan Lampel  
Signature of Stefan Lampel

Witness: Dorothea Hintzen  
DOROTHEA HINTZEN

Attorney's Docket No: WWELL78.005C1  
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Appln. No. 10/680,371

This 3<sup>rd</sup> day of March, 2004

Witness: Dr. Thomas Stanislawski

V. Schlueter

Signature of Volker Schlueter

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